REMARKS

Claims 1 - 18 are in the application. Claims 7 -18 were previously withdrawn from consideration. Claim 1 is currently amended; claims 2, 3, and 6 were previously presented; and claims 4 and 5 remain unchanged from the original versions thereof. Claims 1 and 6 are the independent claims herein.

Claim rejections under 35 USC 112, 2nd paragraph

Claims 1 – 6 were rejected under 35 USC 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant claims as the invention.

Regarding claim 1, the Office Action rejected the use of the term "similar" in claim 1, line 20. The Office Action further states that the descriptive portion of the Specification does not appear to validate the particular use of the word "similar".

In reply thereto, claim 1 has been amended to recite "wherein all said received current NOI audit reports have been developed by substantially similar audit practices resulting from the audit firms using said interactive global NOI audit model". Applicant further notes that support for the use of the particular wording recited in claim 1 is found in the Specification at paragraph [0039]. Paragraph [0039] states,

> [0039] FIG. 2 is a simplified flowchart of method 100 according to the present invention, showing the method performed by the investment entity 10. Method 100 enables an investment entity 10 to ensure that procedurally substantially identical current net operating income (NOI) audit practices are employed by the plurality of audit firms 12 (a, b, . . . n) having an operating relationship with investment entity 10. Each of the plurality of audit firms 12 (a, . . . n) is arranged to conduct a respective audit of a respective real estate property for the purpose of generating an associated set of Current NOI values. (emphasis added)

Claim 6 is an independent claim and does not include the term "similar". Thus, Applicant views the rejection thereof under 35 USC 112, 2nd paragraph in the Office

Action as an error on the part of the Office. Applicant requests further clarification by the Office in the instance the rejection of claim 6 is still considered valid by the Office.

Accordingly, Applicant respectfully submits that the amendment to claim 1 submitted herewith fully addresses and overcomes the rejection under 35 USC 112, 2nd paragraph. Further, Applicant respectfully submits that the rejection of claim 6 is moot per the rejection under 35 USC 112, 2nd paragraph. Therefore, reconsideration and withdrawal of the rejection of claims 1 – 6 under 35 USC 112, 2nd paragraph are respectfully requested.

Claim Rejections Under 35 USC § 103(a)

Claims 1 - 6 were rejected as being unpatentable over van Zee et al., U.S. Patent No. 7,058,685 (hereinafter, van Zee), in view of Donner, U.S. Patent No. 6,154,725. This rejection is respectfully traversed.

Applicant respectfully notes that the Examiner had failed to provide any citation to any particular section, portion, drawing, or paragraph of the two cited and relied upon references. Further, the Examiner disregards the Office's obligation to indicate the particular part(s) of the references relied on or otherwise indicate the pertinence of each reference. Again, the Office Action merely cites the entirety of the two references (each at least 16 pages long) without designating any specific portions thereof as particularly relevant or pertinent. Thus, Applicant submits that the rejection is improper.

Van Zee is relied upon to disclose all aspects of Applicant's claims 1 – 6 except for an audit system estimating a value of an intellectual property portfolio. For the audit system, the Office relies on Donner. Regarding the cited and relied upon van Zee, Applicant notes that van Zee relates to a method and digital content delivery service system for sending and validating/auditing delivery of e-media. In particular, e-media is disclosed as being "electronic data files, including digital pictures and the like" (van Zee, col. 1, ln. 16 -17). The disclosed e-media is not disclosed or suggested as being the same as Applicant's claimed "computer program" nor is the e-media disclosed or suggested as being the same as Applicant's claimed "said computer program operating

to receive a first input data". In fact, the operation of any e-media does not appear to be discussed or considered in van Zee since van Zee is concerned with the delivery of e-media and the audit and verification of that delivery. Van Zee is clear in stating that,

> The present invention provides a computer-readable medium having computer-executable instructions for sending and validating/auditing delivery of e-media by a digital content delivery service system. (van Zee, col. 2, ln. 16 – 18)

> Audit indicates a record of the chain of delivery events along the way, e.g., a request to obtain content, content arrived, printing of content initiated, printing of content completed, and the like. (van Zee, col. 5, ln. 14 – 16)

Thus, it is clear that van Zee does not disclose deploying a computer program to a plurality of parties wherein the computer program operates to receive a first input data.

Applicant respectfully submits that the cited and relied upon Zee fails to disclose or suggest the other aspects of claims 1 – 6. For example, van Zee is silent regarding the claimed "using at least some of said computer systems to input said respective first input data by at least some of the audit firms to said computer program; and receiving by the investment entity a plurality of current NOI audit reports, each of said reports being generated by execution of a copy of said computer program on one of said computer systems and reflecting said received associated first input data, wherein all said received current NOI audit reports have been developed by substantially similar audit practices resulting from the audit firms using said interactive global NOI audit model and user-viewable standards, procedures, documentation, and reporting requirements."

Applicant submits that the "audit" disclosed in van Zee refers to a record concerning the delivery of e-media. Van Zee's audit is not the same as Applicant's claimed "NOI audit report" associated with real estate properties. A record of the various stages of delivery for e-media content is not the same as or suggestive of Applicant's claimed NOI audit report.

Regarding Donner's alleged disclosure of a computer-implemented audit system estimating a value of an intellectual property portfolio, Applicant respectfully submits that the Office Action's reasoning is fundamentally erroneous and thus the rejection is improper. In particular, the "real estate" as claimed by Applicant is neither the same as nor an example of intellectual property.

The Office Action states that "Official Notice is taken that conducting an audit of intellectual property, e.g., real estate, and generating an associated value of net operating income, has been common knowledge in the real estate audit art." Applicant traverses the Official Notice.

Applicant notes that it is clear that the Office Action, in rejecting claims 1 - 6 reasons "real estate" (that is, real property) is the same as the disclosed intellectual property. However, it is a fact that real property is not the same as or even a sub-set of intellectual property. It is also a known fact that intellectual property is not the same as or even a sub-set of real property. That is, real property or real estate is not a substitute for intellectual property. The attributes and characteristics of real property and intellectual property are vastly different. Such wide differences, thereby, for example, gave rise to the development of intellectual property law well after the establishment of real estate/property law. Accordingly, the Official Notice taken by the Office Action is factually flawed and erroneous.

Therefore, Applicant respectfully submits that even if van Zee and Donner were combined as stated in the Office Action, Applicant's claims 1 – 6 would still be patentable over the combination of van Zee and Donner since the combination fails to disclose the claimed invention. Further, the Official Notice taken by the Office is erroneous (i.e., mistaken) and does not correct or overcome the shortcomings of the van Zee/Donner combination.

Accordingly, Applicant respectfully submits that claim 1 and 6 are patentable over the cited and relied upon van Zee, Donner, and Official Notice. Further, claims 2 - 5 depend from claim 1. Therefore, Applicant respectfully submits that claims 1 - 6 are

patentable over the cited and relied upon van Zee, Donner, and Official Notice under 35 USC 103(a).

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

/RPC/

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